

January 25, 2021

By ECF

Honorable Mary Kay Vyskocil
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street New York, New York 10007

Re: Darwin Columna v. City of New York, et al. 19-cv-3801 (MKV) (SDA)

Your Honor,

I am the *pro se* plaintiff in the referenced action. I am writing to oppose Defendant's recent attempt to renew its Motion to Dismiss and to explain the circumstances around the difficulty I had in delivering certain documents requested by Defendant.

Defendant has requested the entire slew of my medical records both before and after the incident which is the subject of this litigation. The request is overly broad and has proven to be a burden to comply with. Because of my unstable housing situation, I have unable to maintain physical copies of my extensive medical record. Nevertheless, I have consistently agreed to provide any and all medical record releases that Defendant has requested. I previously provided Defendant with certain releases before this latest request.

My efforts to provide the notarized medical release forms were delayed for several reasons. During the last quarter of 2020, I was able to secure employment with Shrubbucket, but my hours were unpredictable and I often was asked to work at the last minute. I had to be available for work on short notice, sometimes at the expense of other pressing matters. I also ran into difficulty due to the limitations imposed by the Covid 19 pandemic. Business and retail offices were operating on limited and often unpredictable hours. Arranging for the copying and notarization of the releases proved very difficult during the pandemic. In addition, I wanted to deliver the releases by hand to make sure they got there (the Law Department had misplaced documents I had delivered several months ago). But, I had temporarily moved to Connecticut and the logistics of returning to New York proved to be a challenge (not to mention the 14-day quarantine on returning to New York given my out of state residency). Ultimately, delivering the releases by hand became impossible for me.

On January 5, 2021, I was able to priority mail the necessary notarized documents (tracking number EJ-101-686-322-US) to Katherine J. Weall Senior Counsel at New York City Law Department.
AT 100 CHURCH STREET NEW YORK N.Y. 10007.

I thank the Court for its consideration.

s/ Darwin Columna, *pro se*

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